

2.01 Agricultural and Rural Residential District, One Dwelling per 80 Acres (AR-80)

2.01.1 Intent. The intent of this District is to:

- Preserve scenic resources, views and provide adequate open space.
- Conserve and protect agricultural lands and agricultural livelihood.
- Conserve and protect wildlife habitat.
- Ensure high water quality and quantity standard.
- Preserve the rural residential character.
- Allow for development compatible to agriculture and rural residential uses.
- Promote public health, safety and general welfare.

2.01.2 Tracts of Record. All legal tracts of land on record with the Office of the Clerk and Recorder at adoption of these Regulations, regardless of size, are entitled to all the uses by right (principal uses) and conditional uses of the AR-80 District designation with an approved Conditional Use Permit (CUP).

2.01.3 Development Rights

All parcels within the District have one (1) development right as a matter of right, which is referred to as the principal development right. Parcels 80 acres or more qualify for one (1) additional development right. Parcels within 10 percent of 80 acres (72 to 79 acres) that were recorded at adoption of these Regulations qualify for one (1) additional development right. An additional development right may only be used pursuant to the Cluster Subdivision Provision (Section 4.01) or pursuant to the Transfer of Development Rights Provision (TDR) of Section 4.02.

The approval of a cluster subdivision pursuant to Section 4.01 of these Regulations shall prevent any additional conditional uses from being permitted on any and all of the tracts of record created pursuant to the cluster subdivision. Approval of a cluster subdivision shall not prevent additional uses by right/principal uses from being permitted on any tract of record approved pursuant to a cluster subdivision.

2.01.4 Uses By Right/ Principal Uses

1. Agriculture
2. Dwelling (Single-Family)
3. Accessory Dwelling
4. Accessory Structure
5. Excavation for Personal Use
6. Home Occupation
7. Greenhouse, up to 1500 square feet (building footprint)
8. Equestrian Facilities, Personal
9. Power Plant, Personal
10. Outfitter

2.01.5 Conditional Uses (upon obtaining a Conditional Use Permit according to provisions of Section 5.04)

1. Bed and Breakfast
2. Day Care Home (Family)
3. Greenhouse, larger than 1500 square feet (building footprint)
4. Home Based Business
5. Auto Repair, Minor (a business operation)
6. Places of Worship
7. Guest Ranch
8. Equestrian Facility, Commercial
9. Non-agriculture structures over 32 feet and not within a naturally wooded area
10. Power Plant, Commercial (Wind, Solar, and Hydro Energy Generation)
11. Accessory structures (other than caretaker residence, guesthouse, or employee housing for authorized agriculture operations) over 2400 square feet (building footprint).
12. Alterations to the exterior of a Bed & Breakfast for the purpose of increasing the number of guestrooms up to the regulation limit.
 1. Expansion or enlargement of an existing legal non-conforming structure.
 2. Shooting Preserve (Upland Birds)
 3. Essential Services (Type I and Type II)

2.01.6 Natural Resources Conditional Uses (upon obtaining a Natural Resources CUP according to Section 5.05)

1. Natural resource development and mining uses

2.01.7 Development Density for Principal Uses

1. Each parcel (regardless of size) recorded at adoption of these Regulations has one (1) development right to be used according to the principal uses allowed in the District.
2. The development density is 1:40.
3. Each 80-acre parcel has one (1) development right (principal development right) and one (1) additional development right that may only be used onsite if the criteria pursuant to the Cluster Subdivision Provision (Section 4.01) are met. The principal development right and/ or the additional development right may be transferred to a designated receiving area within Gallatin County pursuant to the Transfer of Development Rights Provision (Section 4.02). The principal development right and the additional development right are equal to one (1) TDR each.
4. At adoption of these Regulations, each recorded parcel within 10 percent of the 80-acre minimum parcel size qualifies as an 80-acre parcel for development rights. Parcels that qualify include those between 72 to 79 acres.

5. Parcels larger than 80 acres, one (1) additional development right is available for every increment of 40 acres or portions of an increment that is within 10 percent of 40 acres (or 36 to 39 acres).
6. At adoption of these Regulations, each recorded parcel that is developed with at least one single-family dwelling is considered to have used the principal development right.
7. The minimum lot size that may be created after adoption of these Regulations is 80 acres; a smaller lot size is possible if the subdivision is pursuant to the Cluster Subdivision Provision (Section 4.01). The cluster subdivision provision is limited to a maximum of 10 percent of the parcel, or eight (8) acres.
8. Parcels five (5) acres or smaller are limited to two (2) accessory structures. Parcels larger than five (5) acres may have up to three (3) accessory structures. A detached accessory dwelling is an accessory structure.

2.01.8 Use of Subdivision Exemptions (MCA §76-3-207)

1. Pursuant to MCA §76-3-207(1) (c), division of land made by the property owner(s) for the exclusive use of agricultural purposes shall be exempt from the minimum parcel size requirements. The use of an agricultural exemption shall not be allowed if the original parcel, after the division of the agricultural parcel, does not comply with zoning requirements.
2. Pursuant to MCA §76-3-207(1)(a), a division of land made outside of platted subdivisions for the purpose of relocating common boundaries between adjoining properties shall be exempt from the minimum parcel size requirement if there is no resulting change in any and all of the parcels. (Example: A north/south common boundary can be changed to an east/west orientation by relocating the common boundary without a net change to the original parcels sizes.)

2.01.9 Required Setbacks

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|------------------------|---------|
| 1. Property Lines | 25 feet |
| 2. Springhill Road | 50 feet |
| 3. Rocky Mountain Road | 50 feet |
| 4. Gee Norman Road | 50 feet |
| 5. Reese Creek Road | 50 feet |
| 6. Bear Creek Road | 50 feet |

7. Creeks (named and unnamed);
rivers; ditches; channels;
canals; and springs 100 feet from the annual mean high water
mark

8. Wetlands 50 feet

2.01.10 Maximum Height of Dwellings and Structures

1. Maximum 32 feet, unless number 2 below applies.
2. Maximum 35 feet for a structure within a naturally wooded area in which existing trees in and around the building site are equal to the height of the proposed structure.